

UNITED STATES DISTRICT COURT

for

District of Guam

Report on Offender Under Supervision

Name of Offender: Michael S.N. Palacios Case Number: CR 91-00103-001

Name of Sentencing Judicial Officer: James Ware, Designated Judge

Date of Original Sentence: June 3, 1992

Original Offense: Armed Career Offender, in violation of 18 U.S.C. § 922(g)(1) and 924(e)(1)

Original Sentence: 180 months imprisonment followed by five years supervised release with a special assessment fee of \$100. **Conditions modified August 5, 2004**, to include conditions that the defendant participate in drug treatment with urinalysis, participate in mental health treatment, and refrain from any use of alcohol. **Conditions modified October 24, 2005**, to include a condition that the defendant submit to a maximum of eight urinalysis per month at the direction of the U.S. Probation Officer, pursuant to U.S. vs. Stephens. **Informational Reports filed November 21, 2006, and December 20, 2006.**

Type of Supervision: Supervised Release Date Supervision Commenced: August 22, 2004

NONCOMPLIANCE SUMMARY

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- | | |
|----|---|
| 1. | Refrain from the use of any and all alcoholic beverages (August 23, 2007), in violation of 18 U.S.C. § 3583(d). |
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On May 25, 2007, this Officer filed a Petition for Action/Request for Warrant of Arrest for Michael S.N. Palacios relative to several violations of supervised release including use of methamphetamine, a new federal charge for Assault, and failures to attend counseling sessions and compliance meetings with the probation officer. The Warrant was returned on June 1, 2007. On August 9, 2007, Mr. Palacios was brought before the Honorable Joaquin V.E. Manibusan for a continued Initial Appearance Hearing on the violations. In a joint recommendation by the Parties and the probation office, Mr. Palacios was released from custody pending a Disposition Hearing to be conducted by U.S. District Court Judge Frances Tydingco-Gatewood. His release was made in consideration of positive mental health treatment reports while in custody and the dismissal of the federal Assault charges. All current conditions of supervision were re-imposed by the Court.

On August 23, 2007, Mr. Palacios reported to the probation office as instructed for coordination of treatment services. During the meeting, this Officer detected the odor of alcohol emitting from Mr. Palacios' breath. He was subjected to a breathalyzer which yielded positive results for the use of alcohol (.014% BAC). Mr. Palacios admitted to consuming alcohol, and he was reminded of the dangerous effects of alcohol use while on a regimen of prescription psychotropic medication. He was also admonished for consuming alcohol and was assured that continued non-compliance would be met with adverse sanctions requested of the Court. His alcohol use was communicated to his drug/mental health treatment provider.

Except as otherwise noted above, Mr. Palacios has taken affirmative steps to return to compliance since his release from custody on August 9, 2007. He has resumed drug treatment, mental health treatment, and drug testing. Although unemployed, Mr. Palacios is actively seeking a job through services of the Guam One Stop Career Center. He paid the \$50 special assessment fee on February 11, 1994.

The above report is submitted for the Court's information only, and no action is requested at this time. Mr. Palacios' compliance will be closely monitored and any subsequent violations will be reported to the Court accordingly.

Reviewed by:

Respectfully submitted,



/s/ CARMEN D. O'MALLAN
U.S. Probation Officer Specialist
Supervision Unit Leader



by: /s/ ROBERT I. CARREON
U.S. Probation Officer

Date: September 17, 2007

Date: September 17, 2007

No Response is necessary unless the court directs that additional action be taken as follows:

- ☐ Submit a Request for Modifying the Condition of Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☐ No Action.
- ☐ Other